

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRENDAN SMITH , individually and on behalf of all others similarly situated v. NATIONWIDE MUTUAL INSURANCE COMPANY	CIVIL ACTION NO. 19-1217
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ORDER RE: CROSS-MOTIONS FOR SUMMARY JUDGMENT

AND NOW, on this 19th day of January, 2022, for the reasons stated in the foregoing Memorandum and upon careful consideration of Plaintiff's Motion for Partial Summary Judgment (ECF 26) and Defendant's Motion for Summary Judgment (ECF 27), Plaintiff's Response (ECF 30) and Defendant's Response (ECF 31), and Plaintiff's Reply (ECF 32) and Defendant's Reply (ECF 33), it is hereby **ORDERED** as follows:

1. Defendant's Motion is **DENIED**;
2. Plaintiff's Motion is **GRANTED** as to whether the Nationwide policy's household vehicle exclusion violates the Motor Vehicle Financial Responsibility Law;
3. Defendant cannot deny Plaintiff's insurance claim based on the household vehicle exclusion in the Nationwide policy; and
4. Counsel shall file a joint or separate status reports with regard to further proceedings in this Court within fourteen (14) days.

BY THE COURT:

/s/ **MICHAEL M. BAYLSON**

MICHAEL M. BAYLSON, U.S.D.J.